

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 WILLIAM A. BUESS
Deputy Attorney General
4 State Bar No. 134958
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2039
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2010-450**

12 **JENNIFER CAROL HATFIELD**
13 **8274 Station Village Lane, Apt. 2803**
14 **San Diego, CA 92108**

ACCUSATION

15 **Registered Nurse License No. 749386**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about April 22, 2009, the Board of Registered Nursing issued Registered Nurse
24 License Number 749386 to Jennifer Carol Hatfield (Respondent). The Registered Nurse License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 October 31, 2010, unless renewed.

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), an expired license may be renewed at any time within eight years after expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states in pertinent part:

"Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

"(a) Considering the denial of a license by the board under Section 480; or

"(b) Considering suspension or revocation of a license under Section 490.

"Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee."

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states in pertinent part:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the

1 ground that the applicant or the licensee has been convicted of a crime substantially related to the
2 qualifications, functions, and duties of the licensee in question, the record of conviction of the
3 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
4 and the board may inquire into the circumstances surrounding the commission of the crime in
5 order to fix the degree of discipline or to determine if the conviction is substantially related to the
6 qualifications, functions, and duties of the licensee in question.

7 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
8 'registration.'"

9 9. Section 2761 of the Code states in pertinent part:

10 "The board may take disciplinary action against a certified or licensed nurse or deny an
11 application for a certificate or license for any of the following:

12 (a) Unprofessional conduct, which includes, but is not limited to, the following:

13 "....

14 (f) Conviction of a felony or of any offense substantially related to the qualifications,
15 functions, and duties of a registered nurse, in which event the record of the conviction shall be
16 conclusive evidence thereof."

17 "...."

18 10. Section 2762 of the Code states in pertinent part:

19 "In addition to other acts constituting unprofessional conduct within the meaning of this
20 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the
21 following:

22 "....

23 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
24 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
25 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
26 himself or herself, any other person, or the public or to the extent that such use impairs his or her
27 ability to conduct with safety to the public the practice authorized by his or her license.

“(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.”

REGULATIONS

11. California Code of Regulations, title 16, section 1444, states in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

"(b) Failure to comply with any mandatory reporting requirements.

"(c) Theft, dishonesty, fraud, or deceit.

"(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

12. California Code of Regulations, title 16, section 1445 states in pertinent part:

“ . . . ”

“(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

“(1) Nature and severity of the act(s) or offense(s).

"(2) Total criminal record.

“(3) The time that has elapsed since commission of the act(s) or offense(s).

"(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

“(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

"(6) Evidence, if any, of rehabilitation submitted by the licensee."

COST RECOVERY

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(October 29, 2009 Criminal Conviction for DUI on September 16, 2009)

14. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision (f), in that on or about October 29, 2009, in the Superior Court, County of San Diego, in the case entitled *The People of the State of California v. Jennifer Carol Hatfield*, case number M091751, Respondent was convicted by her plea of guilty to violating Vehicle Code section 23152, subdivision (b), driving with a blood/alcohol count greater than 0.08%, a misdemeanor, a crime substantially related to the qualifications, functions, and duties of a registered nurse.

15. In her plea form, Respondent admitted that on September 16, 2009, in the County of San Diego, she unlawfully drove a vehicle while under the influence of an alcoholic beverage and with a blood alcohol level of .19%. On that day, Respondent was driving in her silver jeep going east on G Street and approaching 25th Street, in San Diego. Respondent was stopped by a San Diego Police Sergeant for a stop sign violation. The officer stopped his patrol car to avoid a collision with Respondent who entered the intersection without stopping and came to a sudden stop in the middle of 25th Street, blocking the #2 southbound lane of traffic. The officer asked Respondent to pull to the side of the street and she pulled to the east curb line of southbound 600 25th Street. The officer noticed that Respondent's speech was slurred and her eyes were bloodshot. The officer called for assistance for a possible DUI evaluation. Another officer responded to the location and took over the contact. The officer noticed the smell of alcohol from Respondent and began evaluating her for DUI. She did not perform the field sobriety tests as instructed. Respondent was arrested for DUI and Respondent chose to give a breath sample. The

1 Intoxilizer was used to obtain a sample and the blood alcohol level measured .21%. She was
2 transported and booked into Las Colinas jail.

3 16. On October 29, 2009, Respondent's plea was accepted by the court and she was
4 sentenced to five (5) years summary probation, various fines and fees, a Public Service Program
5 (PSP), five (5) days custody, Standard Alcohol Conditions, to enroll in and complete a First
6 Conviction Program and attend a Mothers Against Drunk Driving impact panel.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Using Alcohol to an Extent Dangerous to Self and Others)**

9 17. Respondent's license is subject to discipline under Code section 2762,
10 subdivision (b), in that Respondent used alcohol to an extent dangerous to herself and others as
11 set forth in paragraph 14 above, which is incorporated here by this reference.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Criminal Conviction Involving the Consumption of Alcohol)**

14 18. Respondent's license is subject to discipline under Code section 2762,
15 subdivision (c), in that Respondent was convicted of a criminal offense involving the
16 consumption of alcohol as set forth in paragraph 14 above, which is incorporated here by this
17 reference.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 749386, issued to
22 Jennifer Carol Hatfield;

23 2. Ordering Jennifer Carol Hatfield to pay the Board of Registered Nursing the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3;

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Taking such other and further action as deemed necessary and proper.

DATED:

3/18/10

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2009805263
80439346.doc